

Carleton - 116

Some Few

OBSERVATIONS

V P O N

His Maiesties late Answer to the Decla-
ration or Remonstrance of the Lords and
Commons of the 19 of May 1642.



Pag. 1. *Or of following the advice of our Councell of Scotland.*



Ur case is not as *Scotlands* was in all points, though in many it be very like, for our Malignant Party here is farre greater and stronger, and more intraged against us, by their own greatnesse, and more animated by our weaknesse. Yet we desire but the same satisfaction which *Scotland* had, without so much reluctance given them by the King. For their *Militia*, and all other subordinate power in that Kingdom, is settled in such hands as are publicly confided in, and yet this is utterly denied us. And our holding *Hull* is not like their holding *Newcastle*, yet their Honour is saved, whilst we are called unparaleld Traitors, and they are restored to all demanded Rights and Securances, whilst we are charged of unpardonable Rebellion, and satisfaction is not offered to us, but required from us, in the most approbrious language that can be, yet still we will not refuse the Councell of the Scotch Lords, in yeelding to a pacification, nor depart from the example of them, in the manner of securing the same.

Pag. 2. *That we should fancy and create dangers to Our Selfe.*

We have little cause to think that the same malignant party which hath shed so much Protestant blood in *Ireland*, and about the same time plotted a villanous massacre in *Edenborough*, hath been supinely snorting in *England* all this Parliament, since their vigilance is more concerned here, than in either of these Kingdomes; and since they have advantages to doe mischiefs in *England*, farre greater than in *Scotland*, and almost as great as in *Ireland*, and for the Plots themselves, divers of them have not been invisib'le, and yet if the King had not concealed, and did not yet conceale, some passages (as being below him) they had been more visible; but jealousie in such cases is not unpolitique, and the lesse jealous the King is, the more wee have cause to be so: *Ireland* a few dayes before its ruine, had lesse ground of feare than we have had; some of our treasons here have not bin planted in Traines & Mines, so deep & dark, nor so much resembled the Cockatrice eye, as that of *Ireland*, and if the King be not privie to the Plots, yet as long as the Plotters having aymes beyond him, plow with his Heifer, and act by his power, our condition is the more desperate and remediless, and since the King cannot see into the breasts of those his followers, whom we suspect, hee ought not so farre to despise the publike jealousies

jealousies of whole Nations, or the distractions or insecurity of such considerable multitudes as he doth; but the King appeals to Gods all-searching eye, and we doe the same, imploring of him to be the more vindicative in this case, the more destitute we all are of any other recourse or redresse upon earth.

Pag. 5. Wherein they usurp the Word Parliament.

The King frequently vowes to maintaine Parliaments in their Priviledges, yet his Papers many wayes derogate from them; For first if he please to sever himselfe, those great Councils are not to be named Parliaments. Secondly, whatsoever name is due, the vertue of publike representation is denied them, they are not to be lookt upon as the whole Kingdome, and this is destructive to the Essence of Parliaments. Thirdly, if the concurrence of both Houses, *Nullo contradicente*, bee of some sanctity and authority, yet the major part of both Houses is not so vigorous as the totall, and here is another devise to frustrate all Parliaments. Fourthly, if the majority shall binde, and the minority acquiesce therein, yet if it bee objected that some few factious spirits mislead and befoole the majority, all is void, Parliaments thus are made ridiculous Assemblies, and all Justice at the last resort is to be expected from the Kings sole breast, or else no where, for if the King will withdraw himselfe, all Courts as well as Parliaments are thus defeated and disabled, and then if the King assumes not sole power to himselfe, all Government is expired, and no way is left for the Kingdome to preserve it selfe, and what can be more unnaturall? In policy then, if we are grown weary of Parliaments, and will dissolve them into nothing, we ought to erect some other Court above them, or in their stead, or else to resign all into the Kings sole boundlesse discretion, for any forme of Rule is better than none at all; and before we demolish old structures, we ought to be advised of the fashions of new.

Pag. 6. And whose advice we are resolved to follow.

But what if the major and better part of the privie Councell concurre with the King, if Parliaments must down, that Rule is better than Anarchy; But hitherto neither both Houses, nor the Judges, nor the Lords of the Councell have concurred, but if the concurrence of Parliaments be not necessary, how can any other seeme but unnecessary, and at meere discretion? hath not the King the same right to shake off inferiour Councils, as that which is supreme? or shall he have cause to confide in the knowledge of lesse Honourable Courts, more than of that which is the quintessence of all his Subjects, which is indeed the very Throne it selfe whereon he sits so sure, and whose consent and councell is that very Diadem which enriches his Temples, and that Mace which armes his hands; who would have thought in time of Parliament to have heard the name of Privie Councillor cited to the lessening of Parliaments, yet here nothing but the very name too is cited, nor no compliance promised but arbitrary; so many wayes are Parliaments blown away like bubbles, yet none is so much insisted on, as that which seemes most incredible, that Master Pym, and foure or five of his Consorts should besot and stupifie two or three hundred Gentlemen chosen out of the flower of the Kingdom, when as the King hath in Parliament some spirits as Mercuriall, and heads as watchfull, and hearts as resolute, without some extremely violent Magick, may seeme incredible, nay, were it certaine that Master Pym were the greatest Nicromancer living, and the deepest read in black infernall Arts, I should hardly trust the efficacy of his spells in such expedients.

Pag. 8. That those Rebels publicly threaten the rooting out of the name of the English.

That the Irish Rebels by their successe are now intentive to root out the English, is probable, but their first ayne and cause of commotion might be some other more particular inducement, for the English Government was long before in the same manner irksome to them as now, but some other invitation now happened of shaking it off, and not before.

Ibidem. As they have invaded that power of ours over the Militia.

The Question is not to be put indefinitely, whether or no the King ought to order the M

litia in times of no extraordinary danger; our case is now upon supposition, if the King in extraordinary danger will not yeeld to such a Posture as the Kingdom thinks most safe, whether the Parliament may not order that Posture of themselves? so the Parliament puts it. But the King puts it thus. If the Parliament invades his power over the Militia causlessly, whether they may not as well seize any Subjects estates. That question then which must decide all, is this Whether that posture which the Parliament chuses, or that of the Kings, be most safe for the Kingdom at this time, & who shal judgetherof most properly? Till now that the ancient pillars of law & policy weretaken away, & the State set upon a new basis, no evil was to bee presumed of the representative body of the kingdome, nor no justice expected from a King deserting his grand Councell; but now every man may arraign Parliaments, and they which understand no reason, must have reason, not authority to rely upon: no King was ever yet so just but that Parliaments have in some things reduced them from error, nor no Kings so unjust that Parliaments did seduce into error; yet Parliaments are now charged of being enemies to Religion, Lawes, Liberties: and the King to preserve these, absent himselfe from Parliaments. But since we must dispute for Parliaments, first we say they must in probability be more knowing than any other privadoes: secondly, in regard of their publique interest, they are more responsible than any other, and lesse to be complained of in case of error: thirdly, they have no private interest to deprave them; nothing can square with the Common Councell, but the common good; and if 500 of the Nobility and Gentry should ayme at an Aristocraticall usurpation, or any other power of oppression, they could never compasse their ends, it were folly in them. Some such objections have been made against this Parliament, but finding little credit, at last some few of the Parliament are pitcht upon, as if it were credible that all the kingdom in whose hands all reall naturall power consists, would enslave themselves to 500, or those 500 voluntarily become slaves to five men: (good God) the King is presum'd to have the hearts of the majority, and to be trampled upon by some few, and yet the magicall incantation is so strong, that neither the Kings Authority, nor the justice of his cause, nor the oppressed Commonalty can prevaile against the Parliament, or the Parliament it selfe, against such an inconsiderable number in Parliament. O that some Mercury would reconcile my understanding in this Court Logick, or give me some clew of thred to disengage me out of this blinde labyrinth: But to come more particularly to the *Militia* it selfe, now settled by the Parliament; the King excepts against the Parliaments Ordinance, for two reasons, first because it excludes him from the disposing of it, and secondly from determining it at his pleasure: But wee must know that the kingdom trusts the King with Armes as it doth with the Lawes, and no otherwise; and since the King in person is not most fit alwayes, nor can in all places be present, to execute either military or judicall offices, therefore the main execution in both is intrusted to substitutes; the end of all Authority in substitutes is, that the kingdom may be duly and safely served, not that the Kings meere fancy may be satisfied, and that end is more likely to be accomplished where the Kingdom, than where the King chuses; but whosoever chuses the substitutes, the King is not excluded thereby, for the King hath more cause to confide in men recommended by his highest Court, than the people have in men preferred meerly by the King, against the consent of his highest Court; and if it were not so, yet the confidence and assurance of the people, in times of distractions, is more requisite than the Kings; but in this new *Militia* the King is not so much excluded from his generall superintendance, and supream influence, as he is in subordinate Courts of Justice, and yet even in the Kings Bench, where the King in Pleas of the Crown may not sit as Judge, he may not be said to be excluded: neither is it any prejudice to the King in the second place, that he cannot determine these new Commissions at his pleasure without publike consent, except upon misdemeanor; for though all men naturally desire absolute command, and to be uncontralable in things that are bad as well as things that are good,

yet this is but the exorbitant desire of corrupted nature, and wise men do not seek alwayes to satisfie it, but rather to suppress it. In case of misdemeanor no mans commission shall justifie him against the King, and where no misdemeanor is, what would the meer power of determining the commission availe the King. For we see in divers Monarchies and free States, some Princes which are limited from evill are not the more disabled from good, and if they be sometimes, that nation is perhaps happier, which intrusts Princes too little, then that which intrusts them too far, and yet neverthelesse I desire to see no Innovation in our English Monarchy neither if this King shall upon this or that emergent occasion yeeld to some temporall restraint, would I wish to see it perpetuall, except in things only tending to evill; for example, the King had a Prerogative to discontinue and dissolve Parliaments at pleasure, and the abuse of this Prerogative was the cause of all our late sufferings but this Prerogative being restrained, what injury is likely to follow either to the King or State, for in such restrictions which are from greater evils, but from lesse good, the King ought not to be difficult, and in such restrictions which may disable from good, as well as evill, the people ought not to be importunate; but it is further objected, that by the same power Parliaments may disseise both the King and Subjects from their estates, as they make ordinances for the *Militia*, but in truth is not this a strange result, the Parliament hath power to do good offices by the consent of the people, and therefore they may have power to do ill offices against the consent both of King and People, it is of dangerous consequence to suppose that Parliaments will do any injustice, it looseth one of the firmest finewes of Law to admit it; but to conclude, that Parliaments can do such injustice as may oppresse both King and People, from whom all their power is derived, is unnaturall.

And whereas the King claimes an interest in the *Militia*, as legall and proper as ours are, in our Lands or Tenements, we must avoid mistakes herein; for in our goods and inheritances we have not so pure and unconditionall a right, but that it is inconsistent with the common right also, and in this respect the Kings possessions are not privileged more than a Subjects; for the States propriety cannot be excluded out of either: the same man also may have severall proprieties in severall things; for that propriety which the King hath in a Subject, is not the same, nor so entire as that which he hath in his horse; for that right which he hath as a Prince, is by way of trust, and all trust is commonly limited more for the use of the party trusting, then the party trusted: in some cases also there are mutuall proprieties, and so the King owne us as his Subjects, and we owne him as our King; but that ownership which we have in him as our King, is of a farre more excellent and high nature then that ownership which the King hath in us as his Subjects: that occasionall interest which the Scots had in *Newcastle*, or the Parliament in *Hull*. did not wholly drown the Kings interest, nor the particular owners, such temporary possessions may sometimes happen without the utter disseisin or disinherison of each other; and we see in a breach of peace, the Constable by force takes my sword from me, and in such manner as he may not take my cloake, although my interest in my sword is as good as in my cloake, and yet my property in my sword is not altered by that property which the Officer seises to himselfe; and doubtlesse, had the same Arguments been pressed against disseisin of *Lesley*, as have been since against Sir *John Hotham*, they would have been held much more impertinent then now they are, so much more are wee vilipended and harder treated then other Nations are. Let not common sense then be so much baffled, as to make this temporary possession of *Hull*, taken by Sir *John Hotham*, upon an extraordinary necessity of State so declared by the Judgement of Parliament, for the preventing of Civill Warr, and consequently for the preventing of great dis-service both to the King and State, the same thing as the violent intrusion of a private Disseisor upon the just inheritance of his Neighbour. He which confesses, That the King hath a true and perfect interest in the Kingdome, doth not deny, That the Kingdome hath a more worthy and transcendent interest in it selfe, and in t

King too: This is so farre from contradiction, that hee is farre from reason that so conceives it: And hee which doth not conceive that that which is the judgement of the major part in Parliament, is the sense of the whole Parliament; and that which is the sense of the whole Parliament, is the judgement of the whole Kingdome; and that which is the judgement of the whole Kingdome is more vigorous, and sacred, and unquestionable, and further beyond all appeale, then that which is the judgement of the King alone, without all Councell, or of the King, with any other inferiour Clandestine Councell, must raze those rocky Foundations, upon which this State hath been so happily settled, for so many ages now past.

Pag. 10. 11. *That no retractation made by us, nor no actions since that time committed against us, and the Lawes of the Land, under pretence of vindication of Priviledges, can satisfie the contriver of that Declaration.*

As to the impeachment of the six Members of Parliament, the King pleads retractation and satisfaction, his retractation is an acknowledgement, that it was a casuall single mistake, yet in forme onely; for the grounds of his charge when they shall be published, hee assures us, will satisfie the world; But in the meane time, these grounds are kept unpublished, contrary to the desire of the Parliament, and the whole Kingdome; and till that publication the world remains unsatisfied; nay it is most wonderfull, that so desperate and horrid a plot, as that yet seems to be, should be so long neglected, to the Kings vast disadvantage, and the peoples miserable disquiet, if cleere satisfaction could be so easily given; every man sees that the charge, if it had not good grounds, did stab furiously at the heart of all Parliaments, and at all Liberties in Parliament; but till publication of these grounds be, no man will presume to judge; yet it is of great concernment to his Majesties honour, and the Kingdomes peace, that it be not too long delayed. But in the next place, the King conceives, That the Parliament hath been injurious to him in vindication of Parliament Priviledges, and therefore ought to be satisfied; the Parliament still begs for that publication, for nothing else can make them appeare to have been injurious; and till they appear to have been injurious, they ought not to be condemned as injurious; for *de non entibus & de non apparentibus eadem est ratio*; As for the Kings comming into the House of Commons so armed, till publication of the cause of that comming, the circumstances cannot be duely weighed.

Pag. 12. *Such a Minister might be punished for executing such Authority.*

By this Law the Subjects of England might not use any defensive force against an Officer in any case, though of the most undoubted Priviledges, or Rights, by a kinde of after game, hee must seek remedy in the future; but for the present, hee is remediless. But if this bee Law, I think every man sees that the English mans Liberty, and share in the Grand Charter, is a thing easily descifable; for it is as likely, That the King may justifie and protect his Ministers, after the execution of unjust commands, as to urge them by undue Warrants to the same: and if so, then where is the Subjects of England Freedom and Patrimony? what is it still but held upon the Kings meere courtesie.

Pag. 15. *And if such be about us, or any against whom any notorious malicious crime can be proved, if Wee shelter or protect any such, let Our injustice be published to the world.*

Its known to the King who hath incensed him against his Parliament, and who have given counsell derogatory to the honour, and destructive to the essence of all Parliaments, and to the Parliament this is utterly unknowne; yet the King desires evidence of these things from the Parliament: Nay, though hee disavow the sheltring of ill Ministers, yet hee conceals such as have traduced and slandered the Parliament in some things notoriously false; and yet to an ordinary understanding, it is the same thing to conceale, as to shelter a Delinquent: and if it be a King to reveale a traiterous Incendiary, that hath abused His ear with pernicious counsels, it is below him too to leave him to justice being otherwayes revealed.

Pag. *ibid.* *They have implied Our connivance, as want of zeale against the Rebels in Ireland.*

Hee which will not accuse the King for want of zeal against the Irish Rebels, yet may truly say, There is not the same zeal exprest as was against the Scots, though the case be farre different; for the Scots were Protestants, and had been greatly agrieved, and were not imbrued willingly in bloud, and yet the English Nation, against their wills, were most rigorously hastned and enforced to Arm against them; but now, when the English Nation and Scots too were moved to indignation and horreur, against the most bloody, perfidious, ingratefull villains in the world, their proffered supplies are retarded, and opportunities are neglected, and nice exceptions framed, and the cursed reproaches of the Rebels themselves, calling the Parliament disloyall and Traitors, are countenanced and seconded.

Pag. 17. *When with our privity the Army was in agitation.*

The depositions taken concerning bringing up of the Army, do not come beyond all doubt, that any such agitation was with the Kings privity; but according to humane judgment, which do not alwayes proceed upon certain appearances of things, some such things were in agitation; and some presumption there is of the Kings privity; and if in other cases such presumptions as these do not alwayes passe for good and strong proofes, yet I in my experience did never hear before that they were rejected as light discourses, though the King now contemn them so: Neither is the meer miscarriage of the plot without the prevention of the Parliament, any good argument that no such plot was; for so the Irish may be excused in all those places, which they failed to surprize: for treason were no treason, if it were not more obscure and hard to be discovered, and that as well by the ill as the good successe of it.

Pag. 19. *We will have justice for those tumults.*

As for those tumults about Westminster, how far the Londoners were engaged in them offensively and defensively; and how far the Souldiers which were entertained at White-hall were raisers of them, and how far thieves and boutifeus intermingled themselves for rapines sake, rests yet in judgment; and I conceive the Parliament is as desirous to have Justice seasonably donetherein, as the King: But sure the English Nation, nor the City, nor the Parliament, cannot be suspected of having any intent to raise Armes against the Kings Person, or his Children: this were a great scandall, and unmerited: and if the Kings flight was for feare of any cursed Assassins; for which the English have not been infamous, his ordinary Guard had been as safe to him here as it is at York.

Pag. 21. *Where is every mans property, every mans liberty, if a major part of both Houses declare, That the Law is, that the younger Brother shall inherite, what becomes of all the families and estates in the Kingdome?*

Here it is supposed, that Parliaments may make an ordinance contrary to Law, Nature, Reason, Sense; and it is inferred therefore, That they are dangerous, and may bring the life and liberty of the Subject to a lawlesse and arbitrary subiection: this supposition is inconsistent with one of the most sacred and venerable pillars of all Law and Policy; and yet here it is insisted upon. Let all Chronicles be searched, and let one story be cited of any Parliament, which did tyrannize over King and Subject, or ordain any thing to the mischief of both; yet Kings I think will not make the same challenge; the best of them have done Acts of oppression, and the Reasons are apparent for it; but no reasons can be given why Parliaments should usurp, or how they can usurp; yet the Kings inference runs against all Parliaments: He did not say this Parliament tyrannizeth, and therefore he refuses from them, and proclaims their Votes invalid; but because Parliaments may tyrannize, therefore they have their Votes at all, at any time whatsoever, further then the King ratifies them

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ment sayes not so much; they say he is now seduced by wicked Counsell, and therefore reiects their requests, to the danger of the State; In such cases they conceive there is a power in them to secure the State without his concurrence: At other times, when the Kings are not seduced, they ought to do nothing without their consent; for, *non recurrendum est ad extraordinaria in iis quae fieri possunt per ordinaria*. Whether this or that doctrine enwraps the greatest danger let all the world iudge.

Pag. 27. *Seditious Pamphlets and Sermons.*

As for seditious Preachers and Pamphleteers, the Parliament will not protect any, when greater matters are provided for, the Law shall have a free course against them, and account shall be given by all which have favoured them. In the mean time the Parliament onely desires, that it may not be put in these times of generall extremity, to intend universall enormities, and in the legall pursuance thereof be made Informers, Solicitors, Witnesses, and Judges, and that they may not be bound to give an account for all misdemeanours, or to remedy all mens abuses in an instant; and notwithstanding all opposition, give generall satisfaction to all the world, or aspire to a condition above man.

Pag. 24. *That such are continually preferred and countenanced by us, who are friends or favourers, or related unto the chief authors or actors of that arbitrary power heretofore practised and complained of.*

We hold Parliaments in England as the Apples of our eyes; and we know all liberty must stand or fall with them: And we conceive Parliaments were never more endangered, nor by more conspiracies assailed, then they have been since this Parliament began: and the persons which possesse the King against them we cannot nominate, but he knowes, and favours, and employesthem. If he have any Counsellors which suggest advice to him, as his late papers carry in them, they are *The malignant party*, and their study is, that some way may be found out so to master and quell this Parliament, as that it may preside future times to do the same. Nothing is more visible, then that Parliaments are odious to Court-parasites; and the same disposition which discontinued them so long, and dismissed them so often, still labours to frustrate and ruinate them for ever. What parties have been framed in the Countrey, in the City, in the Parliament it self, in England, in Scotland, in Ireland, in other Nations, to blast this Parliament, and to make it scandalous; and yet we all see they are Traytors, they are unheard-of, unparalleled Traytors, for seeking their own defence, for entertaining any jealousies, or for mentioning any plots. What late change there is in the King, or alienation from the defenders of arbitrary power, is not evident by his papers: for if they do truly represent him and his Counsellors to us, we may doubt that Parliaments are not gotten into better grace at Court then they were in my Lord of Straffords time; and yet it is undoubted, That if we suffer in the Rights of Parliaments, no other Rights can be done us: And as we were better have no Parliaments, then Parliaments maimed in their priviledges; so we had better have no being at all in England then no Parliaments.

Pag. 27. *We require no other liberty to our wills, then the meanest of them do; we wish they would alwayes use that liberty, not to consent to any thing evidently contrary to our conscience and understanding: and we have, and shall alwayes give as much estimation and regard to the advice and counsell of both Houses.*

The main thing begged by the Parliament is the Kings return, and that all subordinate power and honour (especially during our distractions) may be put into mens hands as the generality assured of: How this should be contrary to his conscience and understanding here, and not Scotland, I do not see; and yet that which was there reasonable, is here treasonable; nay, though we be denied in it, yet we must not beleeve our eyes, for still it is pressed that the Parliament hath done nothing for the King, and have been denyed nothing from the King, in the

the least degree necessary to the peace, plenty, and security of the Subject; and yet in publique matters, conscience, and understanding are not alwayes to be too far trusted, where we depart from Major-parties, or such who are more to be trusted then our selves, few Cases are in Law or policy beyond all dispute and scruple; and if the King in disputable Cases will charge his owne Apprehension, rather then His other Judges and Counsellours, his brest must prove at last the sole unappealable Judge of all things.

Page 27, 28. *The office and dignity of a King is not within their determinations, and of which we must give an account to God, and our other Kingdomes.*

How the King is to give an account of his Royalty here, to his other Kingdomes, more then to this; or how it is beyond the cognizance of Parliaments, because he is accountable to God for it, I apprehend not; subordinate Magistrates are also accountable to God, and their power is derived from God, and yet it is not beyond humane determination: but some Courtiers doe suggest that all supream dignities are so founded by Gods immediate hand alone, as there remains nothing humane in them, and that publique consent of such and such Nations, as to such and such limits, and conditions is nothing at all requisite; this is the ground of all Arbitrary unbounded sway; for if Nations by common consent, can neither set limits, or jage of limits set to sovereignty, but must look upon it as a thing meerly divine, and above all humane consent or comprehension, then all Nations are equally slaves, and we in *England* are born to no more by the Lawes of *England* then the Asanine Peasants of *France* are there, whose Wooden shoes and Canvas breeches sufficiently proclaim, what a blessednesse it is to be born under a meer divine Prerogative; But I hope that Prerogative, in defence of which, the King intends to sacrifice his life, is that which is settled, and bounded by the known Laws of the Land, and whose surest Basis is the common consent, and whose most honourable end is the common good, and not such a Divine Prerogative which none understand but our ghostly Councillors, which alwaies expresse sufficient Enmity and Antipathy to the publique Acts and Pactes of Men: It is generally believed, That these late expressions of the King had not been so sharp, if there had not been more of the Divine, then either of the Lawyer, or Statesman in them; But God send our Schollers more grace to think more honourable of their Pulpits, that the Church may bee more edified, and the State lesse perturbed by them hereafter; twas heretofore *Levi* and *Simeon* the heads of the main Malignants, whose union breeds our disunion, were Papists and Hierarchists, they now are Hierarchists and Papists.

FINIS.

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and
Pap